

**Cheltenham Borough Council****Social & Community Overview and Scrutiny Committee:****5<sup>th</sup> July 2004****Disabled facilities and equipment at Leisure@Cheltenham****Report of Assistant Director Health & Wellbeing****1. Summary and recommendation**

- 1.1 My report comes at the request of co-opted member Tony Sygerycz, who made the proposal through the Scrutiny Topic Registration process, as set out within Appendix 1.
- 1.2 It provides an overview of the current levels of provision for disabled facilities at leisure@cheltenham based on results of an internal audit carried out by the council's building control manager and access officer in February as part of a comprehensive survey of all council property, in preparations for the introduction of part III of the Disability Discrimination Act 1995.
- 1.3 In addition it provides details in relation to disabled use and access, as contained within the successful Sport Lottery Fund Application made in respect of facilities.

**2. I recommend that Committee note the level of disabled facilities at leisure@cheltenham, and considers the need to increase provision as part of the 2005/6 budget setting process****3. Audit of facilities and the review of building design and use with regard to current best practice relating to access and use.**

- 3.1 Cheltenham Borough Council is an employer and service provider, which means that the Authority is responsible for taking reasonable actions to ensure that access to and around buildings, within their ownership, does not discriminate against people with disabilities. It is not the intention of the Disability Discrimination Act 1995 that everyone should be provided with access to all buildings and services, the Act simply provides a means by which a person can take action if they believe they have been discriminated against.
- 3.1 The council's access officer undertook an audit of the facilities at leisure@cheltenham as part of a council wide property survey during February 2004. The survey was undertaken to identify the current level of access provision by the Authority and to highlight physical features and means of service provision that could be modified or improved to offer a more inclusive service.
- 3.2 The report identifies areas in and around leisure@cheltenham where modifications and improvements may be made to improve access and use, and where parts of the building do not meet with current best practice as identified in BS8300: 2001 'Design of buildings and their approaches to meet the needs of disabled people'.

- 3.3 The audit identifies many aspects of access in and around the building that are good. The document also identifies some items, which, although of major importance, would not be considered to be within the scope of a reasonable adjustment to service provision. Once again, it must be remembered that only reasonable actions should be undertaken, at the moment there is no case law, which clearly identifies what constitutes a reasonable action.
- 3.4 It is also important that it is recognised that this is an on-going process. It is unlikely that any building will ever be considered to provide full access to all people, therefore, the Authority must continue to seek to develop and improve services so that they become more inclusive.
- 3.5 The final section of Appendix 2 contains a costed action plan, which identifies circa. £20,000 is required to implement the improvements identified.

## **4 Lottery Sports Fund Application**

4.1 Funding for the redevelopment project of the leisure centre was given by Sport England to ensure that the pools were designed to ensure that all sections of the community have access to the facilities, with care taken to ensure the centre incorporated the following design principles as noted in the Sport England Guidance Notes for Disabled Access:

- Ramps and stairs
- Slip resistant floor surfaces
- Wide doors, corridors and lobbies
- Appropriately sized and equipped lifts
- Spacious toilets and changing accommodation
- Clear building layout and circulation routes
- Clear sign posting and good lighting
- Disabled car parking spaces in close proximity to the Main Centre
- Drop kerbs (with tactile indicators) and flush thresholds on circulation routes
- Reception counter access for wheelchair users
- Designated changing and cubicles with fittings to comply with Building Regulations

4.2 The development of the Centre was funded by Sport England on the basis that it became a contemporary, family oriented wet and dry sports centre, reflecting the needs of the local community. This is opposed to the facilities specifically designed for use by the disabled i.e. Stoke Mandeville, and therefore the replacement of the pool hoist and other equipment designed specifically for disabled users was not a requirement of the funding from Sport England.

## **5. Conclusions**

5.1 The costed action plan included with the Appendix 2, identifies circa £20,000 is required to make improvements to the facilities at leisure@cheltenham in respect of disabled use which this Committee may wish to consider as part of the 2005/6 budget setting process.

## **6. Implications**

### **6.1 Financial**

Improvements and modifications, costing circa £20,000 may be considered as part of the 2005/6 budget setting process

### **6.2 Legal**

The Disability Discrimination Act 1995 comes into effect on the 1st October 2004 and reasonable adjustments will have to be made to physical features of premises to overcome physical barriers to access. It is up to the service provider to determine how best to provide its services within the context of the Act but those persons who may feel discriminated against would have a right of action for damages under the Act.

### **6.3 Human resources**

None as a direct consequence of this report

### **6.4 Equal opportunities, social justice and anti-poverty**

None as a direct consequence of this report

### **6.5 Environmental**

None as a direct consequence of this report

### **Background papers**

Lottery Sports Fund Application

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### **Accountability**

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